

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. DAVIS,
Plaintiff,
v.
BOSS/MASC,
Defendants.

Case No. C 07-4524 JL

ORDER DENYING APPOINTMENT OF
COUNSEL (Docket # 6) and granting
application to proceed in forma
pauperis (Docket # 2)

This Court previously ordered Plaintiff to amend his complaint to indicate whether he had exhausted his administrative remedies, prior to the Court's deciding whether to attempt to find volunteer counsel to represent him. Unfortunately, Plaintiff failed to amend his complaint in a timely manner and the Court must regretfully deny without prejudice his motion for appointment of counsel at Docket # 6. The Court will not at this time dismiss the complaint, but will grant the application to proceed in forma pauperis. Perhaps defense counsel will be able to inform the Court regarding the administrative process up to this point.

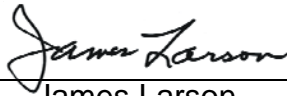
IT IS ORDERED that the application to proceed in forma pauperis is GRANTED and that the Clerk issue summons.

IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of

1 California serve, without prepayment of fees, a copy of the complaint, any amendments,
2 scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant.

3 IT IS SO ORDERED.

4 Date: January 8, 2008

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8 James Larson
9 Chief Magistrate Judge
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